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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)
15 Plaintiff,)
16 v.)
17 JOHNNY RAY BURTON, and)
DAWN MONIQUE MCCANN)
18 Defendant.)
19

No. CR 12-0406 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER CHANGING HEARING DATE
AND EXCLUDING TIME**

20
21 The Court has set January 16, 2013 as the date for a further status hearing. The
22 government has recently executed a search of the defendants' phones and will be producing the
23 results of that search shortly. The parties request time to review this new discovery. With
24 respect to timing, counsel for the defense and the government have multiple trials scheduled in
25 the near future, and they request that the Court set the next status hearing for March 13, 2013, at
26 which time the parties anticipate either changes of plea or motions / trial setting.

27 The parties further request that time between these dates be excluded from any time
28 limits applicable under 18 U.S.C. § 3161, for the purpose of effective preparation and continuity

STIPULATION AND [PROPOSED] ORDER CHANGING HEARING DATE AND EXCLUDING TIME
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1 of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

2 SO STIPULATED:

3 MELINDA HAAG
4 United States Attorney

5 DATED: January 15, 2013

6 /s/
7 KEVIN J. BARRY
8 Assistant United States Attorney

9 DATED: January 15, 2013

10 /s/
11 JULIA MEZHINSKY JAYNE
12 Attorney for JOHNNY RAY BURTON

13 DATED: January 15, 2013

14 /s/
15 GEORGE BOISSEAU
16 Attorney for DAWN MONIQUE MCAN

17 ~~PROPOSED~~ ORDER

18 For the reasons stated above, the Court moves the next status hearing from January 16,
19 2013 to March 13, 2013 and finds that exclusion from the time limits applicable under 18 U.S.C.
20 § 3161 of the period from January 16, 2013 through March 13, 2013, is warranted and that the
21 ends of justice served by the continuance outweigh the best interests of the public and the
22 defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). The failure to grant the requested
23 exclusion of time would deny counsel for the defendant and for the government the reasonable
24 time necessary for effective preparation and continuity of counsel, taking into account the
25 exercise of due diligence, resulting in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

26 IT IS SO ORDERED.

27 DATED: January 16, 2013

28 
THE HONORABLE MAXINE M. CHESNEY
United States District Judge